

1 Terry E. Sanchez (State Bar No. 101318)
2 *terry.sanchez@mto.com*
3 Katherine M. Forster (State Bar No. 217609)
4 *katherine.forster@mto.com*
5 **MUNGER TOLLES & OLSON LLP**
355 S. Grand Ave., 35th Floor
Los Angeles, California 90071
Phone: (213) 683-9538
Facsimile: (213) 593-2838

6 George A. Hanson (admitted *pro hac*)
7 *hanson@stuevesiegel.com*
8 Richard M. Paul III (admitted *pro hac*)
9 *paul@stuevesiegel.com*
10 **STUEVE SIEGEL HANSON LLP**
460 Nichols Road, Suite 200
Kansas City, Missouri 64112
Phone: (816) 714-7100
Facsimile: (816) 714-7101

11 Eric H. Gibbs (State Bar No. 178658)
12 *ehg@girardgibbs.com*
13 Dylan Hughes (State Bar No. 209113)
14 *dsh@girardgibbs.com*
15 **GIRARD GIBBS LLP**
601 California Street, Suite 1400
San Francisco, California 94108
Phone: (415) 981-4800
Facsimile: (415) 981-4846

16 **UNITED STATES DISTRICT COURT**
17 **NORTHERN DISTRICT OF CALIFORNIA**

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20 CHUCK MacCONNACH and WALTER
21 SCHMIDT, individually, and on behalf of all
others similarly situated,

22 Plaintiffs,

23 v.

24 FIRST FRANKLIN FINANCIAL
25 CORPORATION, and MERRILL LYNCH &
CO., INC., GLOBAL MARKETS AND
INVESTMENT BANKING GROUP,

26 Defendants.
27
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Case No. 3:08-cv-04154 CRB

STIPULATION AND
~~PROPOSED~~ ORDER TAKING
STATUS CONFERENCE OFF
CALENDAR AND SETTING
DEADLINE FOR FURTHER
ACTION

1 WHEREAS, a status conference is currently set in this matter for Friday, May 1,
2 2009;

3 WHEREAS, the parties have entered into a Term Sheet Settlement Agreement;
4 and

5 WHEREAS, the parties are currently working on a formal stipulation of settlement
6 and associated exhibits, which they will present to this Court for approval;

7 NOW, THEREFORE,

8 IT IS HEREBY STIPULATED by and among the parties hereto, through their
9 respective counsel of record, as follows:

- 10 1. The May 1, 2009, status conference shall be taken off calendar; and
11 2. On or before June 1, 2009, the parties shall file either a joint motion for settlement
12 approval or a status report informing the Court of their progress in finalizing the formal
13 stipulation of settlement.

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1 DATED: April 22, 2009

By: /s/

Terry E. Sanchez
Katherine M. Forster
MUNGER TOLLES & OLSON LLP
355 S. Grand Ave., 35th Floor
Los Angeles, Ca 90071
Tel: 213-683-9538
Fax: 213-593-2838
Email: terry.sanchez@mto.com
Email: katherine.forster@mto.com

Attorneys for Defendants
First Franklin Financial Corporation and
Merrill Lynch & Co., Inc., as named and as
erroneously sued as Global Markets and
Investment Banking Group

10 DATED: April 22, 2009

By: /s/

George A. Hanson
Richard M. Paul III
STUEVE SIEGEL HANSON LLP
460 Nichols Road, Suite 200
Kansas City, Mo 64112
Tel: 816-714-7100
Fax: 816-714-7101
Email: hanson@stuevesiegel.com
Email: paul@stuevesiegel.com

Eric H. Gibbs
Dylan Hughes
GIRARD GIBBS LLP
601 California Street, Ste 1400
Tel: 415-981-4800
Fax: 415-981-4846
Email: ehg@girardgibbs.com
Email: dsh@girardgibbs.com

Attorneys for Plaintiffs

22 **ORDER**

23 PURSUANT TO STIPULATION, IT IS SO ORDERED.

24 Dated: April 23, 2009

United States District Court



Judge Charles R. Breyer